

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD APRIL 16, 2013, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Mayor Joens called the meeting to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
Jesse Dowling, Council Member
Tim Elinski, Council Member
Linda Norman, Council Member
Terence Pratt, Council Member

COUNCIL MEMBERS ABSENT

Ruben Jauregui, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Steve Horton, City Attorney
Matt McLean, Deputy Clerk
Dan Lueder, Development Services General Manager
Jody Fanning, Police Chief
Iris Dobler, Human Resource Manager
Sandra Jacobs, Administrative Assistant
Kyla Allen, Assistant to City Manager

PLEDGE OF ALLEGIANCE TO THE FLAG

Sandra Jacobs lead the Pledge of Allegiance.

BRIEF SUMMARY OF CURRENT EVENTS

Mr. Bartosh stated the Brian Mickelsen marathon was scheduled for this Saturday, and based on events at the Boston marathon we will be taking additional security measures and we hope to have 600-700 people participating. On April 26 staff was planning a disc golf outing if the council members wanted to join. Over the weekend and some of last week there was a report about a USGS presentation about the Verde River that was held by the Verde River Basin Partnership and we were going to have Tom Whitmer prepare and do a presentation to our city council at one of our upcoming meetings to give the story about that model and the rest of the story as far as the Verde River and our water supply because there is some misinformation being used that he thought was important we address. Tomorrow at noon we have an Arizona Town Hall meeting at the recreation center about a recent state-wide town hall they had related to civic leadership.

Mayor Joens stated it was 11:30 to 1:00 and if any council member wanted to attend it she thought they could still get registered.

Council Member Pratt reminded the community that on May 4 the Yavapai College viticulture and enology program will again be having a vine planting that was open to the community in groups to help. Last year the city had a team that went up there and planted.

Mayor Joens asked if we had a plan for that this year, and Mr. Bartosh stated not yet, but we will be advertising that.

Council Member Elinski stated at last night's Planning and Zoning meeting, Historic Preservation Commission members Leff and Farley and I attended the meeting for the Commission to review the historic preservation ordinance which they approved, and it should shortly come before the council. At the last Historic Preservation Commission meeting last Wednesday they had two members of the public who attended and expressed concern about the Civic Center and really wanted to see it get restored and put to use. He told them it was one of the council's strategic initiatives and we were starting our budget planning and he would express their concerns to the council.

Mayor Joens stated they had a ribbon cutting for the parking lot behind the Orion Bread building. The Compassionate Friends, an organization who assists people that have lost children, were going to hold a balloon event on May 4 from 11-2 at Oak Creek Valley Park, where you let balloons go off into the sky with your child's name and a message for your child. Since our summit on the teen center in January we've been holding meetings every month and we're looking for a place to meet (for a teen center) and if the council members had any ideas to let Marianne know.

CALL TO THE PUBLIC

There were no comments from the public.

INTRODUCTION OF NEW EMPLOYEES—SANDRA JACOBS, ADMINISTRATIVE ASSISTANT FOR CITY HALL

Sandra Jacobs, the new Administrative Assistant for City Hall was introduced.

APPROVAL OF MINUTES—Regular Meetings of March 19 and April 2, 2013

Council Member Pratt moved to approve the regular meetings of March 19 and April 2, 2013. The motion was seconded by Council Member Norman, and carried.

CONSENT AGENDA—The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

APPROVAL OF THE SUBMITTAL OF A YAVAPAI COUNTY COMMUNITY FOUNDATION CANINE LAW ENFORCEMENT GRANT

Council Member Elinski moved to approve the Consent Agenda. The motion was seconded by Council Member Dowling, and carried.

NEW BUSINESS—The following items are for Council discussion, consideration, and possible legal action.

APPROVAL OF A QUIT CLAIM DEED WITH MINGUS UNION HIGH SCHOOL DISTRICT #4 FOR A CITY EASEMENT LOCATED ON PROPERTY OWNED BY THE DISTRICT

Mr. Lueder stated Mingus Union High School (MUSH) owns a parcel of land which had previously been in the county prior to being annexed into the city. The property at the bottom end has what is referred to as an “orphaned easement.” It appears from their research it was originally planned to be some type of roadway access, but subsequent building across other portions of this easement has made it unusable for that. MUHS sent a letter requesting the city abandon this easement. Based on the city attorney’s recommendation, instead of abandoning this easement he recommended a quit claim deed which will serve the same purpose. Staff has researched this and recommends the council approve the quit claim deed.

Council Member Norman moved to approve the quit claim deed for the portion of unused easement on MUHS property. The motion was seconded by Vice Mayor Pfeifer, and carried.

APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR INSPECTION OF BRIDGES LOCATED WITHIN THE CITY LIMITS

Mr. Lueder stated federal regulations require the city and other cities throughout the county to do inspections on bridges that are within the city’s jurisdiction. The Arizona Department of Transportation approached the city and they had been provided with some federal funding that would allow them to inspect the bridges at no cost to the city, which is a great advantage because we did not have the expertise on staff to do bridge inspections. Staff was recommending the council approve the IGA joint powers agreement. The city’s responsibilities were basically simple; we would waive any right-of-way permit fees, give them any information we had on the bridges, provide traffic control during the inspections, and make necessary repairs to the bridges.

Council Member Elinski questioned if the old bridge that was on North Willard was on private property or not.

Mr. Lueder stated it was on private property and to his understanding it did not fall under the federal guidelines for us to inspect it.

Council Member Pratt moved to approve the IGA/JPA with ADOT for bridge inspections throughout the City of Cottonwood. The motion was seconded by Council Member Dowling, and carried.

REQUEST FROM THE TOWN OF CAMP VERDE FOR FUNDING ASSISTANCE FOR A LOBBYIST TO ENCOURAGE THE ARIZONA DEPARTMENT OF TRANSPORTATION BOARD TO INCLUDE THE CONSTRUCTION OF SR260 FROM THOUSAND TRAILS TO I-17 IN ITS FIVE-YEAR TRANSPORTATION FACILITIES CONSTRUCTION PROGRAM

Mr. Bartosh stated there has been continuing efforts to try and get Highway 260 back on the ADOT five-year capital plan and just recently a stepped up effort to try and get funding. The funding to complete the project with four lanes, two lanes each way, between Cottonwood and I-17 is estimated to be about 40 million dollars. The availability for capital funding for roadway projects was extremely limited at the state level. Consequently, it was going to be important that there is a lot of lobbying efforts to try and get the funding designated for this particular project. Camp Verde has taken a leadership role to try and get this project going again and has been meeting with various stakeholders, and feels comfortable that we can reach consensus on the design of the improvement. They have brought a consultant onboard to help with that process of meeting with the stakeholders and now they have signed a separate contract with this company to also lobby ADOT and the decision makers to make sure this project gets on the five-year project list and gets funded. They are going to be very focused on the next ADOT board meetings coming up in May and in June. The terms of the agreement indicate that there is a \$10,000 fee up front which at this point would be shared between Cottonwood and Camp Verde. Camp Verde hopes to bring additional stakeholders on such as the private property owners along 260 that stand to benefit from this, but also potentially the Town of Clarkdale, the county, and Sedona as well. At this point our commitment would be \$5,000 up front. If the lobbyist is successful in getting the project on the capital list and getting it funded, there's an additional \$20,000 that would be shared between the stakeholders, but if it was just Camp Verde and Cottonwood, our maximum exposure would be \$10,000 for a total of \$15,000. Staff would come back to the council probably in June based on what the consultant's results are at that point and what additional participation we have from other stakeholders in terms of financial support and potentially ask for additional funding at that point.

Mayor Joens stated the Town Manager of Camp Verde, Mr. Martin, would be given an opportunity to add anything. She questioned if he had heard from any of the other partners yet.

Mr. Martin stated the other partners were always relying on the two of us and if they saw us doing well they saw that as a positive step forward. The idea was to get through tonight and at that point they could team up on the other entities. Steve Ayers was with him who they recently hired as their economic development director, and Council woman Jessie Jones who went through the same thought process that they did. Steve had been in contact with the property owners and they had not been successful at nailing them down to an amount, but hoped they participate to some level. Approaching the other communities in the valley and

suggesting that if they had an opportunity to commit some to that it would be helpful and also demonstrate that kind of commitment to what we're trying to accomplish. That was his charge from his council and he would assume theirs would be much the same.

Council Member Pratt stated his question was who were the other stakeholders, and assumed they were talking about Clarkdale, perhaps Jerome, and Sedona as well.

Mayor Joens stated Yavapai County.

Mr. Martin stated they were fortunate enough to have their new supervisor representative Tom Thurman there. They were very interested and from the beginning of this conversation it has been his intent to try to get it into the hands of the county in a certain way because he thought they have resources that we do not have to be able to take this to the next level and were one of the better partners when the last project went through. It was only because we were working together that the county was also willing to be there. He (Mr. Thurman) did not commit financially, but suggested that would be an opportunity we would have as this thing moves forward. There were many more steps in the process to funding they could become a player on, but they had not approached that directly again.

Mayor Joens questioned if there was \$6,000 or \$7,000 in this fund they had kept in the five-year plan in the past five years, but we need more because it was only going to do a little piece of that road.

Mr. Martin currently there was 7 million dollars in that fund to be able to do some design work and ultimately some level of construction. Ultimately they were looking at was pushing that from 7 million to 40 million which would allow from Thousand Trails to I-17 to be a four-lane and have intersections.

Mayor Joens stated it would benefit everyone in the Verde to have this.

Council Member Pratt stated it would benefit us economically and safety wise.

Mr. Martin stated tomorrow afternoon they were going to be meeting at the county office and talk with the communities again and get together with the consultant who was going to give us the game plan to make sure we were on the same page and invited whoever could possibly attend to have some representation. The next real opportunity for all of us to make a statement in the Verde Valley was on May 10. It has a lot of bearing when you had regular residents showing up saying how important it was from their safety or their commute. Any part they could encourage folks to attend and give positive feedback as to the need of it was going to be helpful.

Mayor Joens stated our citizen's count on that road and safety was paramount. It felt so good to be collaborating with you (Camp Verde) and we were more in a position and of a mind right now to cooperate and collaborate and get that road finished that should have been finished 10 years ago.

Council member Elinski stated he thought it was money well spent and would benefit all of our communities in the future.

Vice Mayor Pfeifer stated with the important meetings that were coming up with ADOT that he mentioned, it was a good time for us to jump in and join Camp Verde on this.

Mayor Joens stated as she understood it, the \$5,000 would come out of the council contingency right now and the next \$10,000, if it happened before July 1 that would be a new budget year, and questioned if we would budget it then.

Mr. Bartosh stated it would still be in the same budget year because it would be before July 1 and we could find the money if that was the council's desire at that time.

Council Member Dowling stated we ought to do whatever we can to make it the safest it can be.

Council Member Norman stated she thought we all have learned a lot of lessons from the last go around. She attended a lot of those meetings with ADOT last time and everybody had their idea of what it should be and couldn't agree.

Council member Pratt moved to approve an initial funding amount not to exceed \$5,000 to support the Town of Camp Verde consultant agreement to lobby for funding and completion of the improvements to Highway 260. The motion was seconded by Council Member Norman, and carried.

RESOLUTION NUMBER 2694--APPOINTING AN ASSOCIATE MAGISTRATE FOR THE CITY'S MUNICIPAL COURT

Judge LaSota stated Mary Hamm had previously served for two years and has done a good job and he was asking for her reappointment for another two year term.

Mayor Joens stated it sounded like she had done a very good job and was very qualified.

Council Member Dowling moved to reappoint the Honorable Mary E. Hamm as an associate magistrate at the standard rate of \$50 per hour. The motion was seconded by Vice Mayor Pfeifer.

Council Member Elinski stated it was a resolution.

Mr. Horton stated the motion should have been for the adoption of Resolution 2694.

Council Member Dowling moved to adopt Resolution 2694, to reappoint the Honorable Mary E. Hamm as an associate at the standard rate of \$50 per hour. The motion was seconded by Vice Mayor Pfeifer, and carried.

Mayor Joens requested the Deputy Clerk read Resolution Number 2694 by title only.

RESOLUTION NUMBER 2694

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING MARY E. HAMM AS AN ASSOCIATE CITY MAGISTRATE AND ESTABLISHING HER TERM OF OFFICE.

Mayor Jones stated the next items were to review the performance of the city's full time magistrate, and asked that they go ahead and approve the claims and adjustments prior to that. She questioned if there was any discussion on that.

Council Member Pratt stated second.

CLAIMS AND ADJUSTMENTS

Council Member Dowling declared a conflict of interest on this item as his employer was listed on the claims list.

Council Member Pratt moved to accept the claims and adjustment. The motion was seconded by Council Member Elinski, and carried.

REVIEW OF THE PERFORMANCE OF THE CITY'S FULL-TIME MAGISTRATE, A. DOUGLAS LASOTA - PERSUANT TO ARS 38-431.03.(A)(1) COUNCIL MAY VOTE TO CONVENE INTO EXECUTIVE SESSION FOR DISCUSSION

DISCUSSION CONSIDERATION AND POSSIBLE DIRECTION TO STAFF AND/OR LEGAL ACTION REGARDING REAPPOINTMENT OF THE PRESIDING MAGISTRATE

Mayor Joens stated the judge did receive a notice and he agreed to waive his right to a 24 advance written notice of the council's scheduled anticipated executive session to discuss his performance as the city's presiding magistrate and possible renewal terms of employment. This written communication also concerns that he has not and does not intend to exercise his right to compel the council to hold this discussion in open public session, and he understands the council may elect to have a part of the discussion without him present after which time they will invite him to join if the council decides to have an executive session on these items.

Mayor Joens questioned if there were any members of the public that wished to speak on this item, and there were none.

Mayor Joens then stated she would entertain a motion to go into executive session with the council only.

Vice Mayor Pfeifer stated so moved. Council Member Norman seconded the motion, and the council convened into executive session.

After reconvening into regular session, the council held no discussion nor made any motion regarding these two agenda items.

ADJOURNMENT

The regular meeting adjourned at 8:30 p.m.

Diane Joens, Mayor

ATTEST:

Matthew McLean, Deputy Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a regular meeting of the City Council of the City of Cottonwood held on April 16, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date